

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
SAEED S. AOBAD
:
Plaintiff, : ORDER
:
-v.- : 23 Civ. 1730 (JPO) (GWG)
:
BUILDING SERVICE 32 BJ PENSION FUND
et al., :
:
Defendants. :
-----X
GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court notes that the defendants' recent response to the Court's Order to Show Cause (Docket ## 23, 24) relies in part on the argument that plaintiff's case has "no legal merit." The Court does not address these arguments in light of its decision to give the plaintiff an opportunity to comply with the Court's prior orders.

The defendants' papers, however, raise the question of why the defendants have allowed this case to go to a jury trial if in fact they contend that plaintiff's case must be dismissed on summary judgment (or a motion for judgment on the pleadings). Accordingly, the defendants shall file a letter on or before April 2, 2024, explaining why a jury trial is appropriate in lieu of their making a dispositive motion.

This Order shall have no effect on plaintiff's obligation to file the Pretrial Statement as required by the Court's Order of March 27, 2024 (Docket # 26). That Pretrial Statement must be filed by April 9, 2024, regardless of any further filing by defendant. Plaintiff is warned that if he fails to comply with this obligation, his case may be dismissed.

SO ORDERED.

Dated: March 28, 2024
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge